

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: GENERIC PHARMACEUTICALS  
PRICING ANTITRUST LITIGATION

THIS DOCUMENT RELATES TO:

*The Kroger Co., et al v. Actavis Holdco U.S., Inc., et al*

Case No: 16-MD-2724  
MDL No. 2724

Individual Case No. 18-CV-284

HON. CYNTHIA M. RUGE

**KROGER DIRECT ACTION PLAINTIFFS'  
MOTION FOR LEAVE TO FILE RESPONSE TO  
DEFENDANTS' NOTICE OF SUPPLEMENTAL AUTHORITY**

The Kroger DAPs respectfully request leave of Court to file the proposed response to Defendants' notice of supplemental authority, ECF No. 219 (appending *In re Nat'l Prescription Opiate Litig.*, --- F.3d ---, 2020 WL 1875174 (6th Cir. Apr. 15, 2020)). For the reasons explained in the proposed response – attached as Exhibit 1 – *Opiate* is plainly distinguishable from the facts here and thus not supportive of Defendants' Opposition to the Kroger DAPs' Motion to Amend. If anything, the decision supports the Kroger's DAPs' Motion, which is fully briefed.

Dated: April 27, 2020

Respectfully submitted,

By: /s/ William J. Blechman

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